

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: America's Best Contacts & Eyeglasses, Inc.

Petition No. 971015-057-005

CONSENT ORDER

WHEREAS, America's Best Contacts & Eyeglasses, Inc. of Meriden and Orange Connecticut (hereinafter "respondent") has been issued permit number 001512 to operate as an optical store by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 381 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In and/or about 1997, respondent was operating without a licensed optician on premises.
2. In and/or about 1997, respondent was operating with an invalid optical shop selling permit.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§ 20-150, 20-151, and/or 20-153.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, and agrees that for purposes of this or any future proceedings before the Connecticut Board of Examiners for Opticians (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§ 19a-10, 19a-14, and Chapter 381 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, and Chapter 381 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's permit number 00512 to operate as an optical store is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand dollars (\$2,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all applicable state and federal statutes and regulations.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 6a above to demonstrate to the satisfaction of the Department that it has complied with the terms of this Consent Order or, in the alternative, that it has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the

Department, it shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.

- e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
7. In the event the Department notifies respondent of violation of any term of this Consent Order, respondent agrees to cooperate with the Department in its investigation of such violation. Respondent further agrees that failure to cooperate with the Department in its investigation shall constitute grounds for the Department to seek a summary suspension of respondent's optical permit. In any such summary action, respondent stipulates that its failure to cooperate with the Department's investigation shall constitute an admission that its conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
8. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of its optical permit before the Board.
9. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
10. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
11. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which its compliance with this Consent Order or with Chapter 381 of the General Statutes of Connecticut, as amended, is at issue.

12. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
13. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
14. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
15. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Board.

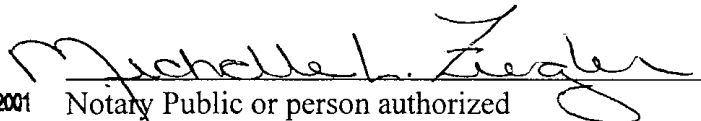
Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
16. Respondent understands and agrees that it is responsible for satisfying all of the terms of this Consent Order during vacations and other periods.
17. Respondent has the right to consult with an attorney prior to signing this document.

I, Sharon Petit, on behalf of America's Best Contacts & Eyeglasses, Inc., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

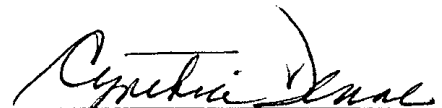

Sharon Petit, on behalf of
America's Best Contacts & Eyeglasses, Inc.

Subscribed and sworn to before me this 17th day of December 1998.

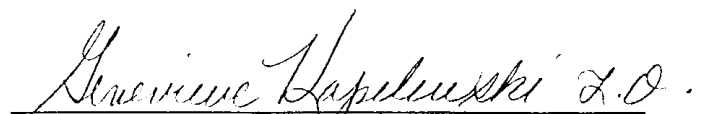
MICHELLE L. ZIEGLER
Notary Public of New Jersey
My Commission Expires Oct. 11, 2001


Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 5th day of January 1999, it is hereby accepted.


Cynthia Denne, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Opticians on the 10th day of Feb, 1998, it is hereby ordered and accepted.


Connecticut Board of Examiners for Opticians